UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,175	04/22/2004	David I. Houlding	92717-00363USPT	7727

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EXAMINER
CHEN, YI

ART UNIT	PAPER NUMBER
4152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/830,175	HOULDING ET AL.
	Examiner	Art Unit
	YI CHEN	4152

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 April 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _04/22/2008_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _12/06/2004_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-22 are pending in this application.

Claim Objections

2.   Claim 9 recites the limitation "middleware bindings" which is objected to for lack

of antecedent basis. Appropriate corrections are required.

Specification

Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

The abstract is objected to because it uses in lines 3-6 phrases which does not
contribute to the invention.

Claim Rejections - 35 USC § 101

3.　　　35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.　　　Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention failed to produce a "useful, concrete, and tangible result" State street, 149 F.3d at 1373, 47 USPQ2d at 1601-02 (see MPEP 2106.II.A).

In reference to independent claims 1 and 12, the independent claims contain language that recites a collection of programs per se without mention of a tangible, useful, and concrete results .

Claims 2-11 and 13-22 fail to resolve the deficiency of claims 1 and 12 above.

Claim Rejections - 35 USC § 102

5.　　　The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-5, 7-16, and 18-22 are rejected under 35 U.S.C. 102(e) as being

unpatentable over Roberts et al., (US 6,560,633 B1).

7.   Regarding claim 1, Roberts discloses a system for at least one of specializing,

replacing, and adding services of a service oriented architecture, (col. 15, lines 40-50),

the system comprising:

a core product for utilization by a customer, the core product being generic in

nature, ("Template Author WSA", col. 15, lines 11-26, col. 15, lines 40-50); and

a framework for at least one of specializing, replacing, and adding services of the

core product, (col. 15, lines 40-50), wherein the at least one of specializing, replacing,

and adding services does not include alteration of the core product, (col. 16, lines 50-

59).

8.   Regarding claim 12, Roberts discloses a method for at least one of specializing,

replacing, and adding services of a service oriented architecture, (col. 15, lines 40-50),

the method comprising the steps of:

creating a core product for utilization by a customer, the core product being

generic in nature, ("Template Author WSA", col. 15, lines 11-26, col. 15, lines 40-50);

and

creating a framework for at least one of specializing, replacing, and adding

services of the core product, (col. 15, lines 40-50), wherein the at least one of

specializing, replacing, and adding services does not include alteration of the core

product, (col. 16, lines 50-59);

9.   Regarding claims 2 and 13, Roberts discloses the framework comprises:

an existing service implementation as defined in an XML configuration, (col. 4,

lines 1).

a service client for requesting a service implementation, (col. 21, lines 39-52).

a service factory for creating the service implementation, (col. 2, lines 35-40).;

and

a service interface for allowing access to the service implementation by the

service client, (fig. 7A, col. 19, lines 10-22).

10.   Regarding claims 3 and 14, Robert discloses if the existing service

implementation is specialized, a new custom service implementation is created, (col. 11,

lines 40-55), and the existing service implementation is subclassed, (col. 16, lines 51-

58).

11.   Regarding claims 4 and 15, Robert discloses select methods of the existing

service implementation are overridden by the new custom service implementation, (fig.

5, col. 12, lines 55-67; col. 13, lines 1-24).

12.   Regarding claims 5 and 16, Robert discloses if the existing service

implementation is replaced, a new custom service implementation is created and the

existing service implementation is replaced with the new custom service

implementation, (fig. 5, col. 12, lines 55-67; col. 13, lines 1-24).

13.   Regarding claims 7 and 18, Robert discloses at least one middleware for

accessing a particular service, ("web browsers", col. 5, lines 23-28).

14.   Regarding claims 8 and 19, Robert discloses the at least one middleware

comprises at least one of Web Services, EJB local access, EJB remote access, local

Java call access, and MDB message queue access, (col. 5, lines 19-30).

15.   Regarding claims 9 and 20, Robert discloses middleware bindings, (network

services, col. 2, lines 36), for the at least one middleware are automatically generated

during a build operation, (col. 2, lines 35-43).

16.   Regarding claims 10 and 21, Robert discloses the middleware bindings are

generated via templates, (col. 2, lines 35-62).

17.   Regarding claims 11 and 22, Robert discloses a middleware binding for a new

middleware is generated automatically via a new template, (col. 2, lines 35-62).

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a
person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived
by the manner in which the invention was made.

19.   Claims 6 and17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Robert as applied to claims 1-2, 5, and 12-13.

20.   Regarding claims 6 and 17, Robert discloses if a new custom service is added, a

new custom service implementation, (fig. 5, col. 12, lines 55-67; col. 13, lines 1-24), a

new custom service factory, (col. 21, lines 53-67), and a new custom service interface

are created, (col. 22, lines 50-55).

        Robert doesn't explicitly disclose a new custom service client is created. It would

have been obvious to one skilled in the art at the time of the inventions to realize that

the new service is created for a new service client. Therefore, the new service client will

be automatically created.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Burke et al. US Patent NO. 6,789,252 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YI CHEN whose telephone number is (571)270-3805. The examiner can normally be reached on 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil Elhady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yi Chen

11/17/2008

/Nabil El-Hady/

Supervisory Patent Examiner, Art Unit 4152